

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Servants – Labour Employment Training and Factories Department – Allegations of Corruption against Sri T.Yadagiri, Assistant Commissioner of Labour, Khammam, trapped on 23.05.2001 at his house by the officials of ACB, Warangal when he demanded and accepted Rs.5,000/- from Sri Pemmasani Brahamaiah, of Kallur for doing official favour – Prosecution sanctioned – Convicted by the Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad – Imposing the punishment of dismissal from service – Orders – Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (VIG) DEPARTMENT

G.O.Ms.No. 3 _____,

Dated: 20.01.2011.

Read the following:-

1. From the DG, ACB, Hyd, Lr.No.88/RCT-WKH/2001-S5, dated: 30.5.2001.
2. From the COL, Hyd, Proceedings No.AA1/13220/2001, dt: 2.6.2001.
3. From the DG, ACB, Hyd, Lr.No.88/RCT-WKH/2001-S5, dated: 20.11.2001
4. G.O.Ms.No.4, LET&F (Vig.) Dept., dt: 15.2.2002.
5. G.O.Rt.No.2220, LET&F (Vig.) Dept., dt: 17.11.2003.
6. From the Prl. Spl. Judge for SPE and ACB cases, City Civil Court, Hyderabad, Orders in C.C.No.30/02, dt: 17.11.2007.
7. High Court Interim Orders in Appeal Crl.A.M.P.No.2168/07 in Crl.Apl.No.1593/07, dt: 22.11.2007.
8. From the DG, ACB, Hyd., Lr.No.88/RCT-WKH/2001-S5, dt: 24.12.2007.
9. Representation of Sri T.Yadagiri, Assistant Commissioner of Labour, Khammam, dt: 27.6.2008.
10. Orders of APAT, Hyd in O.A.No.5176/2008, dt: 11.7.2008.
11. Common Orders of High Court, AP, Hyd., in W.P.No.8000/09 & 31 other, dt: 17.11.2009.
12. Govt.Memo.No.261/Vig./2003-12, LET&F (Vig.) Dept., dt: 18.12.2010.
13. Govt.Memo.No.261/Vig./2003-14, LET&F (Vig.) Dept., dt: 29.12.2010.

ORDER:-

The Director General, Anti Corruption Bureau, Hyderabad, in his preliminary report 1st read above has reported that Sri T.Yadagiri, Assistant Commissioner Labour, Khammam, Khammam District was trapped on 23.5.2001 and recommended that he may be kept under suspension with immediate effect pending finalization of the case against him.

2. Based on the preliminary report of Director General, Anti Corruption Bureau and on the advise of the Vigilance Commissioner through his letter No.926/VC-E1/2001-1, dated 4.6.2001 the Accused Officer was placed under suspension w.e.f. 2.6.2001 vide Commissioner of Labour proceedings 2nd read above.

3. The Director General, Anti Corruption Bureau, Hyderabad in his final report 3rd read above, has brought to the notice of the Government that the Accused Officer Sri T.Yadagiri, Assistant Commissioner of Labour, Khammam was trapped on 23.5.2001 at his house bearing No.7-1-51/1, Dwarakanagar, Khammam, by the officials of Anti-Corruption Bureau, Warangal, when he demanded and accepted illegal gratification of Rs.5,000/- from the complainant Sri Pemmasani Brahamaiah, Site in-charge of Continental Engineering Constructions at Kallur, Khammam District, as reward for showing official favour for not inspecting the works site and for not issuing show cause notices indicting the complainant for not providing facilities to the labour working in the firm. The Director General, Anti Corruption Bureau, has, therefore, recommended to prosecute the Accused Officer Sri T.Yadagiri S/o. Eeshwariah, Assistant Commissioner of Labour, Khammam District in Court of Law U/s. 7, 13(1) and (2) of P.C. Act, 1998.

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4. Accordingly, after examining the matter and based on the recommendations of the Director General, Anti Corruption Bureau, Hyderabad, orders were issued for prosecution of Sri T.Yadagiri, Assistant Commissioner of Labour, Khammam District in a court of law vide G.O. 4th read above.

5. The Government after reviewing the suspension of the Accused Officer orders were issued in the G.O. 5th read above, reinstating Sri T.Yadagiri, Assistant Commissioner of Labour, Khammam District, into service with immediate effect and he was posted to distant non-focal post pending disposal of the case filed in Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad.

6. The Court of Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad, in C.C.No.30/2002, dated: 17.11.2007 in the order 6th read above, convicted Sri T.Yadagiri, Assistant Commissioner of Labour, Khammam and passed the following order:-

- (i) Sentencing him to undergo Rigorous imprisonment for 1 (one) month for the charge Under Section 7 of the Act and also to pay a fine of Rs.1000/- and in default to pay the fine amount, to undergo simple imprisonment for 1 (one) month.
- (ii) Further sentenced to undergo Rigorous imprisonment for 1 (one) year for the charge Under Section 13 (1) (3) of the Act punishable u/s 13 (2) and also to pay Rs.1000/- and in default to pay the fine amount to undergo simple imprisonment for 1(one) month.

7. Sri T.Yadagiri, Assistant Commissioner Labour, Warangal filed an appeal Crl.A MP.No.2168/07 in Crl. Appeal No.1593/07 in the High Court of Andhra Pradesh praying to enlarge the petitioner on bail by suspending the sentence passed by the Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad, dated 17.11.2007 in C.C.No.30/2002 pending Crl. Appeal No.1593/07. The High Court in its interim order dt: 22.11.2007, 7th read above made the following order:-

“The sentence of imprisonment imposed on the petitioner appellant by the Trial Court is suspended, by way of granting bail, on condition of the petitioner executing a personal bond in a sum of Rs.10,000/- with 2 sureties each for a like sum to the satisfaction of the Court of the Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad.”

8. The Director General, Anti Corruption Bureau, Hyderabad in his letter 8th read above has reported that the Standing Counsel for ACB, High Court of AP informed that the Accused Officer filed Criminal Appeal.1593/2007 in the High Court of A.P. against the order passed in C.C.No.30/2002 on the file of the Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad. The said appeal came up for admission before the A.P. High Court on 22.11.2007 and High Court granted bail pending disposal of the said Criminal Appeal vide Crl. A.M.P.No.2168/2007. The Director General, Anti Corruption Bureau, Hyderabad has also reported that it is pertinent to mention here that the A.P. High Court has suspended the sentence of imprisonment only and the conviction of the A.P. stands good. Hence, the mere suspension of sentence of imprisonment is not a bar for imposition of the penalty of dismissal. He has, therefore, requested the Government that the Accused Officer Sri.T.Yadagiri, Assistant Commissioner of Labour, Khammam, Khammam District may be dismissed from service immediately in view of his conviction by the Court.

9. The Accused Officer filed an O.A.No.7414/2007 in the Hon'ble APAT praying the Tribunal to declare the action of the Respondents i.e., the Commissioner of Labour and the Principal Secretary, LET&F Department in seeking to dismiss the applicant from service on the basis of the conviction judgment dated 17.11.2007 in C.C.No.30 of 2002 on the file of Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad despite the orders of the Hon'ble High Court suspending the same in Crl. AMP.No.2168 of 2007 in Criminal Appeal.No.1593/2007, dated: 22.11.2007 as arbitrary and illegal and consequently, directed the Respondents to await final disposal of the Crl.A.No.1593 of 2007 on the file of Hon'ble High Court of A.P. The Accused Officer has sought an interim direction to the effect that 'directing the Respondent not to dismiss him from service on the basis of conviction judgment dated 17.11.2007 in C.C.No.30 of 2002 on the file of Principal Special Judge for SPE & ACB Cases, CCC, Hyderabad pending disposal of the OA'. Although no interim direction was passed in the above OA, counter was filed and thereafter, and the same was informed by the learned Government Pleader for Labour through his Letter dt: 24.6.2008. Thereafter, the Hon'ble Andhra Pradesh Administrative Tribunal through its orders dated 7.7.2008 dismissed the O.A. as withdrawn by the applicant with liberty to file fresh O.A.

10. Subsequently, the Accused Officer filed another O.A.No.5176/2008 in the Andhra Pradesh Administrative Tribunal in the main relief, it was sought to direct the 1st respondent to consider the case of the applicant in the light of the judgment in W.P.No.16102/2007, dated 7.8.2007 of the Hon'ble Andhra Pradesh High Court and the orders of the Govt. in Memo.No.58040/Vig.I(2)/2007-1, dated 30.11.2007 in a similarly situated case and retain the applicant in service pending the disposal of the Crl.Apl.No.1593/2007 filed by the applicant in the Hon'ble High Court of AP treating the applicant on par with the persons covered by the above instances. The Hon'ble Andhra Pradesh Administrative Tribunal in the interim orders dated 11.7.2008 in O.A.No.5176/2008, ordered as follows:-

“Pending further orders, the respondents are directed to pass orders on the representation of the applicant made on 27.06.2008 considering the applicant's case on similar lines as ordered in Memo No.58040/Vig./2/2007-1, dt: 30.11.2007., pending further action against the applicant”.

11. Accordingly, the representation of Sri T. Yadagiri, Assistant Commissioner Labour, Warangal dated 27.6.2008 has been examined in detail based on the interim directions of the Andhra Pradesh Administrative Tribunal in O.A.No.5176/08 dated 11.7.2008 and in the light of instructions issued in **Memo.No.58040/Vig./2/2007-1, dt: 30.11.2007** keeping in view of common orders of the Hon'ble Andhra Pradesh High Court in W.P.No.8000/09 and 31 others dated 17.11.2009, Government after careful examination of the representation of Sri T.Yadagiri, Assistant Commissioner of Labour, Warangal decided that there are no additional grounds for meritorious consideration of the request of the individual and the same was rejected vide Govt. Memos. 12th and 13th read above. The same was also communicated to the learned Government Pleader, Andhra Pradesh Administrative Tribunal having complied with the interim directions of the Hon'ble Tribunal and there by the interim orders stand vacated.

12. Government, after careful examination of the matter have decided to impose the punishment of dismissal from service against Sri T. Yadagiri, Assistant Commissioner Labour, Khammam under Rule 9 (x) read with Rule 25 (i) of A.P.C.S. (CC&A) Rules, 1991 read with the instructions issued in the G.O.Ms.No.2, G.A. (Ser.C) Department, dt: 4.1.1999 with immediate effect for having been convicted by the Court of the Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad.

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13. Accordingly, Government hereby direct that the punishment of dismissal from service against Sri T. Yadagiri, Assistant Commissioner Labour, Khammam under Rule 9 (x) read with Rule 25 (i) of A.P.C.S. (CC&A) Rules, 1991 read with the instructions issued in G.O.Ms.No.2, General Administration (Ser.C) Department, dated 04.01.1999 be imposed with immediate effect.

14. The Commissioner of Labour, Hyderabad shall take further action in the matter immediately.

15. The following notification shall be published in the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of powers conferred under Rule 9 (x) read with Rule 25 (i) of the A.P.C.S. (CCA) Rules, 1991 read with the instructions issued in G.O.Ms.No.2, General Administration (Ser.C) Department, dated:4.1.1999, the Governor of Andhra Pradesh hereby dismisses Sri T.Yadagiri, Assistant Commissioner Labour, Khammam from service with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.SREENIVASULU,
SECRETARY TO GOVERNMENT

To

Sri T.Yadagiri, Assistant Commissioner Labour,
Khammam through the Commissioner of Labour, Hyderabad.

The Commissioner of Labour, Hyderabad.

The Commissioner, Printing , Stationery &

Stores purchase (Printing Wing) Department, Hyderabad.

(with a request to publish in Andhra Pradesh Gazette and to send
20 copies for record purposes)

Copy to:

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

P.S. to Minister (LET&F and ITIs)

P.S. to Secretary to Govt., (LET&F)

P.A. to Joint Secretary to Govt., (LET&F)

P.S. to Chief Secretary

P.A. to Additional Secretary (AIS) GAD

Sf/Sc

//FORWARDED :: BY ORDER//

SECTION OFFICER